

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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REBECCA TERRY,

Plaintiff,

v.

COUNTY OF MILWAUKEE,  
DAVID A. CLARKE, JR.,  
in his personal and official capacities,  
OFFICER BRIAN WENZEL,  
JANE AND JOHN DOE,  
UNKNOWN EMPLOYEES OF  
MILWAUKEE COUNTY JAIL,  
JANE AND JOHN DOE,  
UNKNOWN JAIL SUPERVISORS,  
ARMOR CORRECTIONAL HEALTH SERVICES,  
CAROLYN EXUM, MORGAN BEVENUE,  
MARGARET HOOVER, JANE AND JOHN DOE,  
UNKNOWN EMPLOYEES OF  
ARMOR CORRECTIONAL HEALTH SERVICES,  
JANE AND JOHN DOE,  
UNKNOWN ARMOR HEALTHCARE SUPERVISORS,

Case No. 17-cv-01112

Defendants.

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**INTERVENOR WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION'S  
MOTION FOR DEFAULT JUDGMENT**

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NOW COMES the Intervenor, Wisconsin County Mutual Insurance Corporation ("WCMIC"), by its undersigned attorneys, and moves the Court for a default judgment against Defendant Morgan Bevenue for the relief demanded in the Intervening Complaint for Declaratory Judgment, pursuant to Federal Rule of Civil Procedure 55. The grounds for this Motion are as follows:

1. Defendant Bevenue did not file a timely answer to the Intervening Complaint for Declaratory Judgment, and therefore no issue of fact or law has been joined in this action by Defendant Bevenue as to the Intervening Complaint for Declaratory Judgment.

2. WCMIC filed a Motion to Intervene with proposed Intervening Complaint on March 5, 2018.

3. The Court granted WCMIC's Motion to Intervene on April 4, 2018.

4. The Intervening Complaint for Declaratory Judgment was filed on April 4, 2018.

5. Defendant Bevenue has not filed an answer to the Intervening Complaint, nor has she requested more time to file an answer to the Intervening Complaint.

6. Defendant Bevenue has failed to join any issue of fact or law.

7. Accordingly, Intervening Defendant WCMIC requests that judgment as requested in the Intervening Complaint for Declaratory Judgment be issued by the Court together with Intervening Defendant's costs.

This Motion is supported by the accompanying Affidavit of Jennifer M. Luther. A proposed Order will be filed herewith.

WHEREFORE, Intervening Defendant moves the Court to enter default judgment in favor of Intervening Defendant against Defendant Morgan Bevenue and entering judgment in finding declaring:

1. There is no insurance coverage available to Defendant Bevenue under the Public Entity Liability policy of insurance issued by WCMIC to Milwaukee County for the actions of Defendant Bevenue as asserted by Plaintiff in the Complaint;
2. WCMIC has no duty or obligation to defend or indemnify Defendant Bevenue for any of the claims asserted by Plaintiff against Defendant Bevenue in Plaintiff's Complaint; and
3. Declaratory judgment is entered in favor of WCMIC, with costs.

Dated this 27<sup>th</sup> day of April, 2018.

/s/ Jennifer M. Luther

Lori M. Lubinsky (State Bar No. 1027575)

Jennifer M. Luther (State Bar No. 1065234)

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